



JOSEPH R. THEROUX

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To:

SENATOR EDWARD MEYER, REPRESENTATIVE RICHARD ROY AND MEMBERS
OF THE ENVIRONMENT COMMITTEE.

THE FOLLOWING IS MY TESTIMONY IN OPPOSITION OF THE CURRENT FORM
OF ACT R.B. 832 AN ACT CONCERNING THE PROTECTION OF
INLAND WETLANDS AND WATERCOURSES.

FOR THE RECORD, MY NAME IS JOSEPH R. THEROUX, I AM A PROFESSIONAL
FORESTER, CERTIFIED IN THE STATE OF CONNECTICUT, I AM A CERTIFIED
PROFESSIONAL SOIL SCIENTIST, AND I AM CURRENTLY A WETLANDS AGENT
FOR SIX TOWNS IN EASTERN CONNECTICUT.

AS A PROFESSIONAL FORESTER, SOIL SCIENTIST AND WETLANDS AGENT, I
HAVE A SIGNIFICANT AMOUNT OF EDUCATION AND EXPERIENCE IN THE
FIELDS OF FORESTRY, WETLAND AND WATERCOURSE ECOSYSTEMS AND
WETLANDS REGULATION ENFORCEMENT.

IN MY PROFESSIONAL CAPACITY I HAVE GONE BEFORE ALMOST EVERY
MUNICIPAL WETLAND COMMISSION IN THE EASTERN HALF OF THE STATE (AS
WELL AS A FEW IN WESTERN CONNECTICUT) AS AN APPLICANT FOR BOTH
PROPOSED REGULATED ACTIVITIES AND FOR PERMITTED USES AS OF RIGHT,
AND I HAVE GIVEN TESTIMONY FOR APPLICANTS AND WETLANDS
COMMISSIONS AS WELL.

CONCERNING R.B. 832, I HAVE REVIEWED THE DOCUMENT AND HAVE THE
FOLLOWING COMMENTS:

SEC. 3 BEGINS BY STATING THAT IT APPLIES TO PROPOSED REGULATED
ACTIVITIES. UNDER THE DEFINITIONS SECTION, REGULATED ACTIVITIES
DOES NOT INCLUDE ACTIVITIES LISTED UNDER SEC. 22A-40 (PERMITTED
USES AS OF RIGHT) SO FOR THE FORESTRY INDUSTRY THIS IS GOOD, AS
WE NEED TO BE ABLE TO PROPERLY MANAGE VEGETATION BOTH IN AND
ADJACENT TO WETLANDS AND WATERCOURSES. THE PROBLEM IS THAT
SOME TOWNS AND THE DEP FEELS THAT LOG CORDUROY (LOGS LAID IN
PARALLEL ACROSS A STREAMBED TO MINIMIZE IMPACTS TO THE
STREAMBED AND SUPPORT THE WEIGHT OF THE MACHINERY) AND/OR

VEGETATION DOES NOT HAVE TO BE REMOVED IF IT IS A FORESTRY OPERATION VS. CLEARING FOR DEVELOPMENT. IE: TREES HAVE TO BE CUT TO ALLOW FOR CONSTRUCTION OF BUILDINGS OR STRUCTURES WHEREAS IF ITS A FORESTRY OPERATION IT COULD BE ARGUED THAT LEAVING ALL THE TREES WITHIN 100 FEET OF A WETLAND IS APPROPRIATE BECAUSE WE ARE REMOVING VEGETATION (FOREST MANAGEMENT) ON LARGER TRACTS OF FORESTLAND ALREADY. I PERSONALLY HAVE HAD THIS ARGUMENT WITH COMMISSIONS ALREADY (BOTH AS AN APPLICANT AND AN AGENT). A COMMISSIONER ONCE ASKED "WHY DO YOU HAVE TO KILL THE TREES NEXT TO AND IN THE WETLANDS WHEN YOU ARE CUTTING THE TREES ON THE REMAINING 25 ACRES OF THE PROPERTY" (DIRECT QUOTE)

THE LANGUAGE IN SEC. C APPEARS TO STATE THAT THE REMOVAL OF VEGETATION IS ALLOWED IF IT IS ASSOCIATED WITH RESIDENTIAL BUILDING ACTIVITIES SUCH AS OUTBUILDINGS, DECKS AND FENCES? WHY? WOULDN'T AN ACT LIKE THIS WANT TO RESTRICT THE UNNECESSARY CUTTING OR SPECIFICALLY, THE ELIMINATION OF VEGETATION DUE TO PERMANENT DEVELOPMENT? WHAT I READ FROM THIS IS THAT A COMMISSION COULD POTENTIALLY DENY A FORESTER THE RIGHT TO MANAGE FOREST ADJACENT TO OR WITHIN A WETLAND DUE TO THE FACT THAT THE REMOVAL OF THE VEGETATION WOULD HAVE A LIKELY IMPACT TO THE WETLAND SOILS, YET VEGETATION COULD BE ENTIRELY REMOVED FOR THE PURPOSES OF CONSTRUCTING A FENCE, DECK OR GARAGE BECAUSE OF THIS SECTION?

THE PROPER MANAGEMENT OF VEGETATION IN AND ADJACENT TO WETLANDS AND WATERCOURSES IS BENEFICIAL TO THE PRIMARY FUNCTIONS OF WETLAND ECOSYSTEMS. IN MANY CASES, THINNING TIMBER STANDS AND EVEN CLEARCUTS WITHIN UPLAND AREAS, EVEN ADJACENT TO WETLANDS ARE PROPER FOREST MANAGEMENT PRESCRIPTIONS TO MANAGE BOTH HARDWOOD AND SOFTWOOD TIMBER, AND CREATE OR RECLAIM WILDLIFE HABITAT.

WITHOUT PROPER VEGETATION MANAGEMENT, WETLANDS AND THE UPLAND REVIEW AREAS ADJACENT TO WETLANDS AND WATERCOURSES WOULD LOSE SOME OF THEIR PRIMARY FUNCTIONS SUCH AS WILDLIFE HABITAT AND TRAVEL CORRIDORS, AND THEIR ABILITY TO TRAP, RETAIN AND PROCESS SEDIMENTS, NUTRIENTS AND TOXICANTS. AS STANDS OF TREES BECOME OVER MATURE, TREE CANOPIES BECOME CLOSED IN RESULTING IN LOW LIGHT LEVELS ON THE FOREST FLOOR. THIS GREATLY REDUCES GROUND VEGETATION WHICH WILDLIFE USE AS COVER AND FOOD SOURCES. WITH LESS FOOD AND COVER THEY WILL TEND TO AVOID THESE AREAS. DECREASED VEGETATION DENSITIES WITHIN WETLANDS AND UPLAND REVIEW AREAS EFFECTS THEIR ABILITY FOR SEDIMENT AND NUTRIENT TRAPPING ESPECIALLY AT THE GROUND AND HERBACEOUS LAYERS.

WHEN THESE AREAS ARE MANAGED, TREES ARE SELECTIVELY REMOVED, CREATING SMALL OPENINGS IN THE TREE CANOPY, RELEASING SUPPRESSED VEGETATION AT THE HERBACEOUS, GROUND AND SHRUB LEVELS. THE DISTURBANCES TO THE FOREST FLOOR EXPOSE MINERAL SOIL SO NATIVE VEGETATION AND PLANTS THAT CANNOT NORMALLY COLONIZE ON A MATURE FOREST FLOOR CAN REGENERATE AS WELL. THE PORTIONS OF THE TREE TOPS NOT UTILIZED AS FIREWOOD SERVE AS COVER FOR WILDLIFE AND PROMOTE VEGETATIVE REGENERATION BY LIMITING DEER AND TURKEY FROM EATING SEED AND SMALL SAPLINGS TRYING TO GROW.

TO TRY TO PROHIBIT VEGETATION MANAGEMENT ALTOGETHER IN THESE AREAS OR PLACE THIS DECISION IN THE HANDS OF COMMISSIONS THAT ARE NOT EXPERIENCED OR EDUCATED IN THIS FIELD IS WRONG. PROHIBITION AND REGULATION IS NOT THE ONLY AVENUE TOWARDS PROTECTION OF A RESOURCE AND IT IS NOT A SUBSTITUTE FOR EDUCATION IN THIS CASE.

CURRENTLY MOST COMMISSIONS DO A GOOD JOB OF REGULATING BUILDING AND DEVELOPMENT ACTIVITIES DIRECTLY ADJACENT TO WETLANDS DUE TO POTENTIAL (TRADITIONAL) WETLAND IMPACTS SUCH AS UNTREATED STORM WATER INPUTS, EROSION, AND SEDIMENTATION OR IMPACTS TO HYDROLOGY. THESE TYPES OF IMPACTS ARE SIGNIFICANT OR ADVERSE, BUT THE REMOVAL OF VEGETATION ONLY, IN MOST CASES IS HARD TO SELL AS A SIGNIFICANT OR ADVERSE IMPACT TO A WETLAND OR WATERCOURSE.

OVERALL, IT APPEARS THAT IF WETLANDS COMMISSIONS WERE TO PROPERLY RULE THAT FORESTRY OPERATIONS ARE A PERMITTED USE AS OF RIGHT WITHIN THE PROPOSED 100 FOOT ZONE, THEN THE LANGUAGE IN THE BEGINNING OF SEC. 3 AND SEC. D COVERS THE EXEMPTION. IF THIS BILL IS GOING TO BE PASSED, I WOULD RATHER SEE INSERTING LANGUAGE CONCERNING FOREST MANAGEMENT, SILVICULTURE AND FOREST MANAGEMENT PLANNING TO ALLOW FOR PROPER FOREST MANAGEMENT ACTIVITIES WITHIN THE 100 FOOT ZONE.

I UNDERSTAND THE BASIC CONCEPT BEHIND THIS BILL: (THE PROTECTION OF WETLANDS, WATERCOURSES, THEIR FUNCTIONS, WILDLIFE HABITAT, WATER QUALITY ETC.) HOWEVER I THINK THAT THE CURRENT STATE STATUTES AND INDIVIDUAL TOWN REGULATIONS ARE MORE THAN ADEQUATE TO ACCOMPLISH THIS WITHOUT TRYING TO SPECIFICALLY REGULATE THE VEGETATION WITHIN 100 FEET OF WETLANDS AND WATERCOURSES.

IF ANYTHING NEEDS TO CHANGE, EFFORTS SHOULD BE MADE TO ALLOW FOR MORE EDUCATIONAL OPPORTUNITIES OR POSSIBLY EVEN REQUIREMENTS FOR WETLAND COMMISSIONERS AND AGENTS, SPECIFICALLY IN WETLAND FUNCTIONS AND VALUES, WETLAND IMPACTS,

SITE PLAN REVIEW, PERMITTED USES AS OF RIGHT/AGRICULTURAL
EXEMPTIONS AND LEGAL/REGULATORY PROCEDURES.

IN MY PROFESSIONAL OPINION AND EXPERIENCE, IT IS A
KNOWLEDGEABLE AND IMPARTIAL WETLANDS COMMISSION THAT HAS
THE POWER TO PROTECT AND IMPROVE THE FUNCTIONS AND VALUES OF
THE WETLANDS, WATERCOURSES AND THEIR ADJACENT UPLAND REVIEW
AREAS.

SINCERELY,

JOSEPH R. THEROUX,
CERTIFIED FORESTER AND
SOIL SCIENTIST